



Appl. No. 10/607,188
Response Dated September 22, 2009
DHK: Reply to Final Office Action dated March 23, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant : Thor W. Nilsen
Serial No. : 10/607,188
Filed : June 26, 2003
For : Nucleic Acid Assay and Method of Detecting
the Presence of a Nucleic Acid Sequence
Examiner : Bradley L. Sisson
Art Unit : 1634
Confirmation No. : 6182
Attorney Docket No. : 374.1.016

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL
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ON September 23, 2009

NAME Deanna H. Kipnes

SIGNATURE

Deanna H. Kipnes

September 22, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE

Dear Sir:

This is in response to the Restriction Requirement of March 23, 2009. Applicant has filed concurrently herewith a Petition for a Five-Month Extension of Time along with the requisite fee, extending the date for response to September 23, 2009.

Applicant hereby elects the Group II invention covered by Claims 4 and 5,
drawn to a nucleic acid assay classified in Class 435, Subclass 6.

The claims readable on the elected invention are Claims 1-8.

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Applicant specifically reserves the right to pursue the non-elected subject
matter by the filing of a divisional application.

10 In view of the foregoing, Applicants submit that the present application is in
condition for allowance and early passage to issue is therefore deemed proper and
respectfully requested. It is believed that no additional fees are required. However, if
any additional fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,



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